

# भारत का राजपत्र

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

### LOK SABHA

The following bill was introduced in Lok Sabha on 8.12.1998 :—

BILL NO. 150 OF 1998

*A Bill further to amend the Explosive Substances Act, 1908.*

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Explosive Substances (Amendment) Act, 1998.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For sections 2, 3, 4 and 5 of the Explosive Substances Act, 1908, the following sections shall be substituted, namely:—

Substitution of new sections for sections 2, 3, 4 and 5 of Act 6 of 1908.

2. In this Act,—

Definitions.

(a) the expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement;

(b) the expression "special category explosive substance" shall be deemed to include research development explosive (RDX), penta erythritol tetra nitrate (PETN), high melting explosive (HMX), tri nitro toluene (TNT), low temperature plastic explosive (LTPE), composition exploding (CE) (2, 4, 6 phenyl methyl nitramine or tetryl), octol (mixture of high melting explosive and tri nitro toluene), plastic explosive kirkee-1 (PEK-1) and RDX/TNT compounds and other similar type of explosives and a combination thereof and remote control devices causing explosion.

Punishment for causing explosion likely to endanger life or property.

3. Any person who unlawfully and maliciously causes by—

(a) any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

(b) any special category explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with death, or imprisonment for life, and shall also be liable to fine.

Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.

4. Any person who unlawfully and maliciously—

(a) does any act with intent to cause by an explosive substance or special category explosive substance, or conspires to cause by an explosive substance or special category explosive substance, an explosion in India of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance or special category explosive substance with intent by means thereof to endanger life, or cause serious injury to property in India, or to enable any other person by means thereof to endanger life or cause serious injury to property in India,

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished,—

(i) in the case of any explosive substance, with imprisonment for life or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine;

(ii) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Punishment for making or possessing explosives under suspicious circumstances.

5. Any person who makes or knowingly has in his possession or under his control any explosive substance or special category explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punished,—

(a) in the case of any explosive substance, with imprisonment for a term which may extend to ten years, and shall also be liable to fine;

(b) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.'

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#### STATEMENT OF OBJECTS AND REASONS

In the recent past there have been incidents of bomb blasts on a very large scale in some parts of the country particularly in Punjab, Jammu and Kashmir, Tamil Nadu, Andhra Pradesh and the North-East causing huge loss to life and property. Terrorists and anti-national elements have, through clandestine means, acquired research development explosive (RDX), penta erythritol tetra nitrate (PETN), high melting explosive (HMX) and other similar types of explosive substances. These explosives, having high plasticity and low evaporation, are difficult to detect in the normal course. At the same time, they are far more lethal in their potential for damage than the conventional explosives. Use of such explosives by terrorists and anti-national elements has not only endangered human life but has also caused a great threat to the security environment of the country.

2. In the Explosive Substances Act, 1908 which provides for the punishment to any person who causes an explosion likely to endanger life or property, or who attempts to cause such an explosion or makes or has in his possession explosive substance with intent to endanger life or property, there is no distinction between offences involving use of conventional explosives as compared with offences committed with more lethal explosives e.g. RDX, PETN, HMX, LTPE and other similar explosives. There is also a need that explosion caused by use of Remote Control Devices should attract more severe punishment. To overcome these deficiencies, it is proposed to amend the Act by putting more lethal explosives *viz.* RDX, PETN, HMX and other similar explosives or a combination thereof and remote control devices for causing explosion under 'Special Category Explosive Substances' and to provide for enhancement in maximum punishment for offences committed with such explosive substances by amending the relevant provisions of the Act.

3. The Bill seeks to achieve the above objects.

NEW DELHI;

*The 12th November, 1998.*

L. K. ADVANI.

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S. GOPALAN,  
*Secretary-General.*

